

IN THE CLAIMS

Please amend the claims as follows.

Claims 1-34: Canceled

35. (currently amended) An apparatus for taking up a medium to be analyzed, comprising:

a pipette for taking up the medium to be analyzed, said pipette having a diaphragm containing at least one pore of a given radius; and

a pump, said pump producing a negative pressure in said pipette and said pump being configured such that wherein said produced negative pressure does not go below a critical pressure at which the surface tension of a liquid present at said at least one pore of said diaphragm would be overcome.

36. (previously presented) The apparatus according to claim 35, further comprising a pump controller controlling said pump and said negative pressure produced by said pump.

37. (currently amended) The apparatus according to claim 35, wherein the apparatus is configured such that said critical pressure within said pipette is determined defined by:

$$P=2 \cdot S/r$$

where S denotes said surface tension of said liquid present in at said at least one pore, and r denotes said given radius of said at least one pore.

38. (currently amended) The apparatus according to claim 35, wherein the apparatus is configured so that the medium to be analyzed is said liquid.

39. (currently amended) The apparatus according to claim 35, wherein the apparatus is configured so that the medium to be analyzed is a gas not said-liquid.

40. (previously presented) The apparatus according to claim 35, wherein said diaphragm is hydrophilic or hydrophobic.

41. (currently amended) A method for ~~taking up~~ analyzing a medium ~~to be~~ analyzed, the method comprises:

Providing the medium to be analyzed:

providing a pipette for taking up the medium to be analyzed, said pipette having a diaphragm containing at least one pore of a given radius; and

determining a critical pressure at which the surface tension of a liquid present at said at least one pore of said diaphragm would be overcome; and

producing a negative pressure in said pipette, wherein said produced negative pressure does not go below ~~[[a]]~~ the critical pressure at which the surface tension of a liquid present at said at least one pore of said diaphragm would be overcome.

42. (currently amended) The method according to claim 41, the method further comprises ~~the step of~~ controlling said negative pressure produced by a pump by using a pump controller.

43. (currently amended) The method according to claim 41, wherein determining said critical pressure ~~within said pipette is defined by~~ comprises determining said critical pressure using:

$$P=2\cdot S/r$$

where S denotes said surface tension of said liquid present in said at least one pore,

and r denotes said given radius of said at least one pore.

44. (currently amended) The method according to claim 41, wherein providing the medium to be analyzed comprises providing is said liquid.

45. (currently amended) The method according to claim 41, wherein providing the medium to be analyzed comprises providing is a gas.

46. (previously presented) The method according to claim 41, which further comprises configuring said diaphragm to be hydrophilic or hydrophobic.

47. (withdrawn) An apparatus for taking up a medium to be analyzed, comprising:

- a pipette for taking up the medium to be analysed, said pipette having a diaphragm containing at least one pore of a given radius;

- a pump producing a negative pressure in said pipette; and

- a control measure controlling said negative pressure produced by said pump so said negative pressure does not go below a critical pressure at which the surface tension of a liquid present at said at least one pore of said diaphragm would be overcome, thereby ensuring that no other medium other than the medium to be analyzed is taken up said pipette.

48. (withdrawn) A method for taking up a medium to be analyzed comprising:

- providing a pipette for taking up the medium to be analyzed, said pipette having a diaphragm containing at least one pore of a given radius;

- producing a negative pressure in said pipette; and

- controlling said negative pressure by using a control measure, wherein said produced negative pressure does not go below a critical pressure at which

the surface tension of a liquid present at said at least one pore of said diaphragm would be overcome, thereby ensuring that no other medium other than the medium to be analyzed is taken up said pipette.